



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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Contact: Maria Velasquez, Communications Director: (619) 235-5725 (pager & voicemail) mvelasquez@sandiego.gov

THREE LOCAL NIGHT CLUBS PROSECUTED FOR OVERCROWDING ORDERED BY COURT TO DONATE \$10,500 TO THE SAN DIEGO FIRE-RESCUE FOUNDATION

San Diego, CA: Three local night clubs that were prosecuted by the City Attorney's Office for overcrowding violations have donated a total of \$10,500 to the San Diego Fire-Rescue Foundation. The three clubs are the Gaslamp Tavern and Xavier's Bar and Grill, both located in the downtown Gaslamp Quarter, and Hennessey's Tavern located in Pacific Beach.

"In recent times, there have been tragic situations in over-crowded night clubs that have resulted in numerous deaths," said City Attorney Michael Aguirre. "We will not allow that to happen in San Diego."

Gaslamp Tavern, located at 868 Fifth Avenue, allegedly exceeded its occupancy beyond the California Fire Code Section limits on March 1st, September 4th, October 28th and December 31st of last year. Xavier's Bar and Grill, located at 750 5th Avenue, allegedly exceeded its occupancy limits on September 9th and October 28th of last year. Hennessey's Tavern, located at 4650 Mission Blvd, which was already on probation for previous charges of overcrowding, was allegedly overcrowded on March 17, 2007.

"We are proud of the successful efforts of the City Attorney's Office and the Fire Prevention Bureau in making San Diego a safer place for residents and visitors to the City," said Fire Chief Tracy Jarman. "The funds from the foundation will supplement the department's budget in providing equipment and other resources to assist firefighters and lifeguards in serving the public."

The cases were prosecuted by the City Attorney's Code Enforcement Unit in the Criminal Division as a result of a joint investigation by the City's Fire-Rescue Department, San Diego Police Department, and the California Department of Alcoholic Beverage Control.

The Fire Department's Night Club Detail Teams perform unscheduled inspections throughout the year," said Deputy Fire Chief Sam Oates. "We have had great cooperation by bars, clubs and restaurants in abiding by all ordinances designed to protect the public, resulting in no major incidents in decades."

Xavier's and Gaslamp Tavern agreed to make a \$4,000 donation as restorative justice to the San Diego Fire Foundation and pay \$560.00 in investigative costs to the City of San Diego. Hennessey's also agreed to make a

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\$2,500 donation in addition to the previous fines already paid by the club. As part of the plea bargain agreement, the clubs must not allow any more overcrowding to occur on the premises. Subsequent overcrowding violations could result in additional fines and possible closure of the establishments.

“On behalf of the City's firefighters, paramedics, EMT's and lifeguards, we accept this generous donation that will be used towards supporting needed equipment to save lives,” said Johnnie Perkins, President & CEO of the San Diego Fire-Rescue Foundation. “We also appreciate the leadership of City Attorney Mike Aguirre and we welcome a continuing partnership with him to secure resources that can be used for firefighting and emergency medical services in our community.”

The San Diego Fire-Rescue Foundation was formed 18-months ago as a result of the devastating Cedar fire in partnership with San Diego City Firefighters and the City Fire-Rescue Department. Its mission is to provide resources that can be used towards the saving of lives and support the men and women who provide firefighting and emergency medical services to the San Diego community.

The City Attorney's Code Enforcement Unit was established in 1984 to address code violations and nuisance properties throughout San Diego. The Unit aggressively prosecutes cases referred from a variety of City Departments responsible for enforcing local and state codes. Restorative justice allows prosecutors to impose creative sentences that give back to the community.

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